

EXHIBIT C

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Guideline Calculation Based
Fiscal Year 2019

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography	1,461	1.9
(a)(1) Defendant convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5) (BOL 18)	626	42.9
(a)(2) Otherwise (Base offense level 22)	835	57.2
Chapter 2 Specific Offense Characteristic Adjustments	1,461	100.0
(b)(1)(A) If (a)(2) applies (B) defendant only received material and (C) did not traffic material (decrease 2 levels)	163	11.2
(b)(2) Victim under the age of 12 (2 levels)⁷²	1,377	94.3
(b)(3)(A) Offense involved distribution for pecuniary gain (§2B1.1(b)(1) level, but at least 5 levels) ⁷³	11	0.8
(b)(3)(B) Defendant distributed in exchange for thing of value (5 levels) ⁷⁴	142	9.7
(b)(3)(B) Offense involved distribution in exchange for thing of value (5 levels) ⁷³	0	0.0
(b)(3)(C) Offense involved distribution to a minor (5 levels) ⁷³	12	0.8
(b)(3)(D) Offense involved distribution to a minor to coerce to facilitate travel of a minor to engage in any illegal activity other than covered under (E) (6 levels)	5	0.3
(b)(3)(E) Offense involved distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁷³	16	1.1
(b)(3)(F) Defendant knowingly engaged in distribution other than in (b)(3)(A)-(D) (2 levels) ^{69,73}	593	40.6
(b)(3)(F) Offense involved distribution other than in (b)(3)(A)-(D) (2 levels) ^{69,73}	1	0.1
(b)(4)(A) Sadistic or masochistic conduct or other forms of violence depicted (4 levels)⁷⁵	897	61.4
(b)(4)(B) Sexual abuse or exploitation of an infant or toddler depicted (4 levels)	294	20.1

⁷² SOC was formerly §2G2.2(b)(1) and redesignated §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁷³ SOC was formerly §G2.2(b)(2) and redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁷⁴ SOC was altered on November 1, 2016 from an “offense involved” standard to “defendant engaged in” standard.

⁷⁵ SOC was formerly §2G2.2(b)(3) and redesignated §2G2.2(b)(4) on November 1, 2004 and subsequently redesignated §2G2.2(b)(4)(A) on November 1, 2016. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Guideline Calculation Based
Fiscal Year 2019

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography (continued)	1,461	1.9
(b)(5) Defendant engaged in a pattern of activity involving sexual exploitation (5 lvl's) ⁷⁶	258	17.7
(b)(6) Use of a computer (2 levels) ⁷⁷	1,400	95.8
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) ⁷⁸	122	8.4
(b)(7)(A) At least 10 images, but fewer than 150 (5 levels) ^{69,78}	1	0.1
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) ⁷⁸	69	4.7
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) ⁷⁸	87	6.0
(b)(7)(D) 600 images or more (4 levels) ^{69,78}	1	0.1
(b)(7)(D) 600 images or more (5 levels) ⁸⁰	1,104	75.6
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G2.6 Child Exploitation Enterprises	19	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	100.0
(b)(1)(A) Victim not attained the age of 12 years (4 levels)	18	94.7
(b)(1)(B) Victim between the ages of 12 and 16 (2 levels)	1	5.3
(b)(2)(A) Defendant was parent, relative, or legal guardian (2 levels)	0	0.0
(b)(2)(B) Minor was otherwise in custody, care, or supervisory control (2 levels)	0	0.0
(b)(3) Offense involved conduct described in 18 U.S.C. § 2241(a) or (b) (2 levels)	1	5.3
(b)(4) Computer or interactive computer service used (2 levels)	19	100.0

⁷⁶ SOC was formerly §2G2.2(b)(4) and redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁷⁷ SOC was formerly §2G2.2(b)(5) and redesignated §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁷⁸ SOC was formerly §2G2.2(b)(6) and redesignated §2G2.2(b)(7) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Guideline Calculation Based
Fiscal Year 2020

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography	1,084	1.7
(a)(1) Defendant convicted of 18 U.S.C. § 1466(A)(b), § 2252(a)(4) or § 2252A(a)(5) (BOL 18)	491	45.3
(a)(2) Otherwise (Base offense level 22)	593	54.7
Chapter 2 Specific Offense Characteristic Adjustments	1,081	99.7
(b)(1)(A) If (a)(2) applies (B) defendant only received material and (C) did not traffic material (decrease 2 levels)	142	13.1
(b)(2) Victim under the age of 12 (2 levels)⁶³	1,015	93.6
(b)(3)(A) Offense involved distribution for pecuniary gain (§2B1.1(b)(1) level, but at least 5 levels) ⁶⁴	4	0.4
(b)(3)(B) Defendant distributed in exchange for thing of value (5 levels) ⁶⁵	109	10.1
(b)(3)(B) Offense involved distribution in exchange for thing of value (5 levels) ⁶⁴	0	0.0
(b)(3)(C) Offense involved distribution to a minor (5 levels) ⁶⁴	14	1.3
(b)(3)(D) Offense involved distribution to a minor to coerce to facilitate travel of a minor to engage in any illegal activity other than covered under (E) (6 levels)	11	1.0
(b)(3)(E) Offense involved distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶⁴	6	0.6
(b)(3)(F) Offense involved distribution other than in (b)(3)(A)-(D) (2 levels) ⁶⁴	387	35.7
(b)(4)(A) Sadistic or masochistic conduct or other forms of violence depicted (4 levels)⁶⁶	618	57.0
(b)(4)(B) Sexual abuse or exploitation of an infant or toddler depicted (4 levels)	266	24.5

⁶³ SOC was formerly §2G2.2(b)(1) and redesignated §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁴ SOC was formerly §G2.2(b)(2) and redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁵ SOC was altered on November 1, 2016 from an “offense involved” standard to “defendant engaged in” standard.

⁶⁶ SOC was formerly §2G2.2(b)(3) and redesignated §2G2.2(b)(4) on November 1, 2004 and subsequently redesignated §2G2.2(b)(4)(A) on November 1, 2016. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Guideline Calculation Based
Fiscal Year 2020

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography (continued)	1,084	1.7
(b)(5) Defendant engaged in a pattern of activity involving sexual exploitation (5 lvl's) ⁶⁷	171	15.8
(b)(6) Use of a computer (2 levels) ⁶⁸	1,021	94.2
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) ⁶⁹	104	9.6
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) ⁶⁹	55	5.1
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) ⁶⁹	64	5.9
(b)(7)(D) 600 images or more (5 levels) ⁶⁹	791	73.0
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G2.6 Child Exploitation Enterprises	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1)(A) Victim not attained the age of 12 years (4 levels)	5	100.0
(b)(1)(B) Victim between the ages of 12 and 16 (2 levels)	0	0.0
(b)(2)(A) Defendant was parent, relative, or legal guardian (2 levels)	0	0.0
(b)(2)(B) Minor was otherwise in custody, care, or supervisory control (2 levels)	0	0.0
(b)(3) Offense involved conduct described in 18 U.S.C. § 2241(a) or (b) (2 levels)	0	0.0
(b)(4) Computer or interactive computer service used (2 levels)	5	100.0

⁶⁷ SOC was formerly §2G2.2(b)(4) and redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁸ SOC was formerly §2G2.2(b)(5) and redesignated §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁹ SOC was formerly §2G2.2(b)(6) and redesignated §2G2.2(b)(7) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Guideline Calculation Based
Fiscal Year 2021

Guideline and SOC	Applied²	Percent³
§2G2.2 Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, Soliciting, or Advertising Material Involving the Sexual Exploitation of a Minor; Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic; Possessing Material Involving the Sexual Exploitation of a Minor	1,285	2.2
(a)(1) Defendant convicted of 18 U.S.C. § 1466A(b), § 2252(a)(4), § 2252A(a)(5), or § 2252A(a)(7) (Base offense level 18)	554	43.1
(a)(2) Otherwise (Base offense level 22)	731	56.9
Chapter 2 Specific Offense Characteristic Adjustments	1,280	99.6
(b)(1) If subsection (a)(2) applies and the defendant's conduct was limited to the receipt or solicitation of material involving the sexual exploitation of a minor and the material was not distributed (2 level decrease)	148	11.5
(b)(2) Minor less than 12 years of age or prepubescent minor (2 levels)	1,214	94.5
(b)(3)(A) Involved distribution for pecuniary gain (Not less than 5 levels)	9	0.7
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$40,000 (6 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$95,000 (8 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$150,000 (10 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$250,000 (12 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$550,000 (14 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$1,500,000 (16 levels)	1	0.1
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$3,500,000 (18 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$9,500,000 (20 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$25,000,000 (22 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$65,000,000 (24 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Guideline Calculation Based
Fiscal Year 2021

Guideline and SOC	Applied²	Percent³
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$150,000,000 (26 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$250,000,000 (28 levels)	0	0.0
(b)(3)(A) Involved distribution for pecuniary gain, loss more than \$550,000,000 (30 levels)	0	0.0
(b)(3)(B) Defendant distributed in exchange for thing of value, but not for pecuniary gain (5 levels)	140	10.9
(b)(3)(C) Offense involved distribution to a minor (5 levels)	12	0.9
(b)(3)(D) Offense involved distribution to a minor to induce the minor to engage in any illegal activity other than covered under subdivision (E) (6 levels)	5	0.4
(b)(3)(E) Offense involved distribution to a minor to facilitate travel of the minor to engage in prohibited sexual contact (7 levels)	9	0.7
(b)(3)(F) Offense involved distribution other than in (b)(3)(A)-(E) (2 levels)	497	38.7
(b)(4)(A) Involved material that portrays sadistic or masochistic conduct or other forms of violence depicted (4 levels)	755	58.8
(b)(4)(B) Sexual abuse or exploitation of an infant or toddler depicted (4 levels)	296	23.0
(b)(5) Defendant engaged in a pattern of activity involving the sexual exploitation of a minor (5 levels)	214	16.7
(b)(6) Computer used for transmission/possession/accessing of the material (2 levels)	1,235	96.1
(b)(7)(A) Offense involved at least 10 images, but fewer than 150 (2 levels)	129	10.0
(b)(7)(B) Offense involved at least 150 images, but fewer than 300 (3 levels)	70	5.4
(b)(7)(C) Offense involved at least 300 images, but fewer than 600 (4 levels)	72	5.6
(b)(7)(D) Offense involved 600 images or more (5 levels)	940	73.2